

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

John K. Goodrow, et al.,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:11-cv-00020-MHL
(Consolidated)**

Friedman & MacFadyen, P.A., et. al.

Defendants.

**PLAINTIFFS' MOTION FOR LEAVE
TO FILE SUPPLEMENTAL AUTHORITY**

The Plaintiffs, by counsel, respectfully move the court for leave to file supplemental authority directly related to the Defendant's Motion to Dismiss and in support of Plaintiffs' Opposition. Under the rules of this court, the Plaintiffs are not entitled to file any additional papers and therefore, under L. Rule 7(F)(1), seek leave to file supplemental authority directly bearing on the issues presented in the Defendant's Motion to Dismiss and Plaintiffs' Opposition. *See, Dennis v. Wells Fargo Bank, N.A.*, Civ. No. 2:11CV401-MSD (E.D.Va. Oct. 24, 2011)(Doc. 29)(granting leave to file supplemental authority in the form of a court's hearing transcript that was not available at the time the plaintiff's response was due); *Tucker v. U.S. Bank, N.A., et al.*, Civ. No. 4:12CV69-AWA (E.D.Va. Nov. 28, 2012)(Doc. 22)(granting leave to file supplemental authority of intervening District Court decision bearing directly on point); *Frazier v. Experian Info. Sols.*, Civ. No. 3:11CV497-JRS (E.D.Va. Mar. 26, 2012)(Doc. 54)(granting leave to file supplemental authority by the author of treatise relied on by the Defendant); *Green v. Prudential Life Ins. Co.*, Civ. No. 3:12CV882-JAG (E.D.Va. Mar. 11, 2013)(Doc. 35)(granting leave to file supplemental authority of intervening published Fourth Circuit decision).

In this case, the Plaintiffs seek leave to file supplemental authority of a Sixth Circuit case decided after briefing closed: *Wallace v. Midwest Mortgage & Fin. Servs. Inc.*, No. 12-5208, 2013 WL 1729587, at * 4 – 6 (6th Cir. Apr. 23, 2013)(holding that traditional proximate cause analysis in a mortgage-related civil RICO action supported a minimal finding that the plaintiff raised a genuine issue of material fact regarding causation on summary judgment). Although not binding precedent upon this court, it is a well-reasoned examination of the causation element of a RICO claim in the context of the mortgage and foreclosure industry's practices. The Sixth Circuit reversed the trial court's grant of summary judgment in favor of the defendants where it found the court erred both in its assumptions and that it made findings of fact concerning the proximate cause of the plaintiff's injury.

A copy of the case is filed herewith as Ex. A.

Respectfully Submitted,

/s/

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Case 3:11-cv-00020-MHL Document 46 Filed
08/28/12 Page 4 of 6 PageID# 382
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PRO HAC VICE

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of April 2013, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of electronic filing (NEF) to the following:

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